

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

PHILLIPE BARTHELUS,

Petitioner,

v.

AL KANDALL, et al.,

Respondents.

Civil Action No. 18-13527(MCA)

MEMORANDUM AND ORDER

This matter has been opened to the Court by Petitioner's October 23, 2020 motion to stay this matter pursuant to *Rhines v. Weber*, 544 U.S. 269 (2005). (ECF No. 8.) Having reviewed Petitioner's request, the Court finds there is good cause under *Rhines* to grant a stay.¹ The Court will therefore grant Petitioner's request for a stay, stay the matter, and administratively terminate this matter while Petitioner pursues his state court remedies.

If Petitioner does not obtain relief in state court and wishes to pursue habeas relief after exhausting his state court remedies to all three levels of the state court, he shall write to reopen this matter within 60 days of the completion of his state court proceedings. Failure to comply with this Memorandum and Order may result in the dismissal of this habeas petition with prejudice.

IT IS THEREFORE, on this 27th day of May 2020,

ORDERED that the Clerk of the Court shall mark this matter as **OPEN** so that the Court may consider Petitioner's submission; and it is further

¹ It appears that Petitioner served his motion for a stay on the state and it was referred to the Union County Prosecutor's Office, which did not file a response. (See ECF Nos. 9-10.) The Court treats the motion for a stay as unopposed.

ORDERED for the reasons stated in the Memorandum and Order, Petitioner's request to stay the habeas petition is **GRANTED**; the Court will **STAY** this matter so that Petitioner may complete his state court proceedings and exhaust the unexhausted claims asserted in his habeas petition; and it is further

ORDERED that the Clerk of the Court shall **ADMINISTRATIVELY TERMINATE** this case during the pendency of the stay; and it is further

ORDERED that if Petitioner does not obtain relief in state court and wishes to pursue federal habeas relief after exhausting his state court remedies to all three levels of the state court, Petitioner shall write to reopen this matter within 60 days of the completion of his state court proceedings; and it is further

ORDERED that failure to comply with this Court's Order may result in the dismissal of this habeas petition with prejudice; and it is further

ORDERED that the Clerk of the Court shall send a copy of this Memorandum and Order to Petitioner at the address on file.



Madeline Cox Arleo, District Judge
United States District Court